

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Samuel N. Smith,)	C/A NO. 3:09-1319-CMC-PJG
a.k.a. Samuel Nimrod Smith,)	
)	
Plaintiff,)	
)	OPINION AND ORDER
v.)	
)	
S.C. Attorney General, Bill Collum,)	
Attorney, Sandra Matthews, Auditor,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett, for pre-trial proceedings and a Report and Recommendation ("Report"). On July 17, 2009, the Magistrate Judge issued a Report recommending that this complaint be dismissed without prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so.

On July 21, 2009, the court received a letter from Plaintiff addressed to the undersigned. The letter included four attachments. The letter itself is dated July 8, 2009. The attachments (including other letters) are dated July 2, 2009, July 16, 2009 and July 20, 2009. An additional attachment is not dated. On July 27, 2009, the court received an additional letter addressed to the Chief Justice of the South Carolina Supreme Court. A separate letter to Bill McCollum, Attorney General for the State of Florida was attached to that letter. For purposes of this order, the court deems these letters to be objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report of the Magistrate Judge, and Plaintiff's objections,¹ the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report by reference in this Order. This complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

S/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 10, 2009

¹ Although the court has construed Plaintiff's letters as objections, none contain specific objections to any portion of the Report.